



**CITY OF SUNNYVALE
REPORT
Planning Commission**

November 14, 2005

SUBJECT: **2005-0864 –Tasman V, LLC** [Owner]: Application for a use change on a 2.2-acre site located at **1257 Tasman Drive, Suite A** (near Reamwood Ave) in an M-S (Industrial & Service) Zoning District.

Motion Use Permit to allow recreational use (martial arts club) in a 4,500 square foot space of an existing industrial building.

REPORT IN BRIEF

Existing Site Conditions Industrial Office

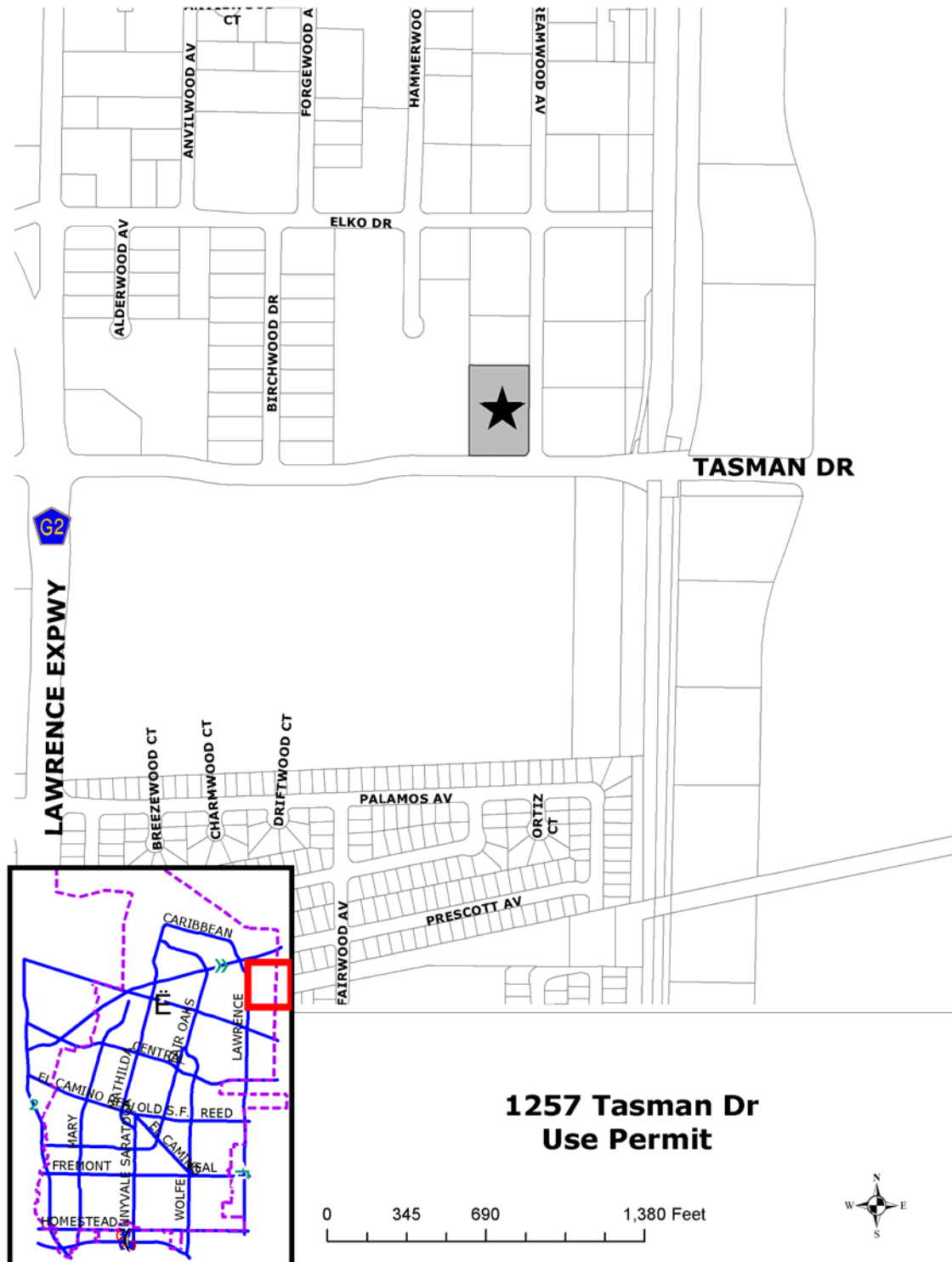
Surrounding Land Uses

North	Industrial
South	Mobile Home Park
East	Industrial
West	Industrial

Issues Compatibility

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Industrial	Same	Industrial
Zoning District	M-S	Same	M-S
Lot Size (s.f.)	95,701	Same	22,500 min.
Gross Floor Area (s.f.)	37,600	Same	35,370 max.
Gross Floor Area of Tenant	4,500	Same	N/A
Lot Coverage (%)	37%	Same	45% max.
Floor Area Ratio (FAR)	37%	Same	35% max.
Building Height (ft.)	Approx. 18	Same	75 max.
No. of Stories	1	Same	8 max.
Setbacks			
Front	25'	Same	25' min.
Left Side	30'	Same	0 min. (20' combined)
Right Side	15'	Same	25' min.
Rear	65'	Same	0 min.
Landscaping (sq. ft.)			
★ • Total Landscaping	9,900	Same	20,211 min.
• Frontage Width (ft.)	30' on Reamwood 0 on Tasman	Same	15 ft. min.
Parking			
• Total Spaces	135	Same	87 min.
• Accessible Spaces	1	Same	5 min.
• Bicycle Parking	0	Same	1 Class I 6 Class II

★ Landscaping was removed due to the light rail project.

ANALYSIS

Description of Proposed Project

The proposed project is a martial arts club within an existing industrial building. The proposed use would include a school that would operate six days a week (Monday – Saturday) from 9:30am to 8:00pm. The majority of classes would take place between 3:30pm and 8:00pm. The applicant notes that class sizes would range from 2 – 18 students, and in the event of a seminar; 60 people may attend the facility. The majority of the students would be under the driving age and be dropped off at the site. The tenant space may include associated retail/wholesale and office uses.

This application was considered complete prior to City Council approval of a moratorium on September 20, 2005, which affects places assembly, and amusement and recreation uses in industrial zoning districts, such as this proposal.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2002-0775	Use Permit to allow a plumbing and electrical trade school	Administrative / Approved	11/13/2002
1989-0647	Master Sign Program	Staff / Approved	5/31/1989
1986-0217	Use Permit for temporary storage of explosive material	Administrative / Approved	9/3/1986

The temporary storage of explosive materials approved by Use Permit, in 1986, were permitted for 18 months. The materials were used by a company for research purposes. The company and the explosive materials are no longer located at the site. Currently there are no other hazardous materials within approximately 540 feet of the subject site.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

Use Permit

Site Layout: The layout consists of a 37,600 square foot industrial office building situated at the center of the lot. The site was developed in conjunction with neighboring lots north of the site along Reamwood Avenue. A parking area is located at the west and north portions of the site.

Architecture: There are no proposed modifications to the exterior of the building. The existing industrial office building was constructed in 1975.

Landscaping: The applicant does not propose any modifications to the landscaping of the site. Currently, the site does not meet landscaping requirements with approximately 9,900 square feet (10% of the site). A significant portion of the landscaping was removed in the mid-1990's due to the light rail project.

Parking/Circulation: The site currently maintains 135 parking spaces for the site. The applicant has indicated that a typical class would contain a maximum 18 students. In certain cases for seminars, as many as 60 people would attend. (Condition of Approval #1D). The floor plan indicates that approximately 2,200 square feet of the 4,500 square foot tenant space would be utilized as open space. This area is intended for instruction purposes. Additional area would be utilized for the office/retail uses. The parking requirement for recreational assembly area outlined by Sunnyvale Municipal Code section 19.46.050 is noted:

- 1 space for every 3 fixed seats (*none*)
- 1 space for every 21 square feet of open area or seating space (*2,200 s.f.*)
- 1 space per 400 square feet of additional floor area (*none*)
- Retail/Wholesale/Office Uses - 1 space per 180 (*2,300 s.f.*)

According to the above criteria, the martial arts club would require approximately 118 spaces for the open classroom and retail/office area. The facility plus the other industrial uses would require a total of 236 spaces. Using the maximum criteria the site would be short 101 spaces.

The applicant has stated that class sizes would contain a maximum 18 students. If every student drove separately to the site, the project would utilize 18 spaces at the site. Along with two employees and 67 spaces needed for the other tenants, a total of 87 spaces would be required. The applicant has also stated that most students, due to their age, would be dropped off at the site. Access to a nearby light rail stop also provides an additional form of transportation to the site. Therefore; parking demand should be relatively minimal.

If approved, staff has included a Condition of Approval limiting students on site to 18 at any given time (#1D). The site shall also provide the 5 required handicap accessible parking spaces for the site (Condition of Approval #3A). Consistent with the previous Use Permit, bicycle parking is required, per VTA Guidelines (Condition of Approval #4A).

The following Guidelines were considered in analysis of the project parking and circulation.

City-Wide Design Guidelines (Parking)	Comments
<i>Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized.</i>	Based on the information provided by the applicant and as conditioned, the site will have adequate on-site parking to prevent spillover parking onto adjacent sites. A nearby light-rail stop also provides additional access to the site.

Compliance with Development Standards/Guidelines: The site meets most development standards with the exception of landscaping and handicap accessible parking. As previously noted, landscaping was removed due to improvements necessary for the light rail project along Tasman Drive. As a result, the site does not meet minimum landscaping requirements. If approved, the site will be upgraded to meet handicap accessible parking requirements per the conditions of approval.

Expected Impact on the Surroundings: The proposed martial arts club will fill a currently vacant space at the site. Historically, the building has been utilized for general industrial/office uses. In terms of traffic to the site, the proposed use may increase demand to the site as compared to previous uses. However; the increased parking demand is not considered significant, as the primary users of the site would be dropped off. Through compliance with the conditions of approval, possible impacts of the use would be minimal. Staff has researched nearby industrial uses and the possible use of hazardous materials. These uses are not considered in close proximity to affect subject site (approximately 540 feet).

Fiscal Impact

Transportation Impact Fee: The proposed use would result in an increase in expected trips to the site from the previous industrial/office use of the site. Staff is recommending the impact fee be deferred until it is determined that the proposed use is approved at the site on a permanent basis (Condition of Approval #2A). As recommended, the use would be reviewed in three years.

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 16 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

As noted in the "Description," this application was deemed complete prior to City Council adoption of the moratorium on places of assembly, recreation and education uses within the industrial and commercial zoning districts. Therefore, the application can be considered by the Planning Commission to determine the appropriateness of the use for the site. Although previously approved as an educational use (plumbing trade school-prior to vacancy), the proposed use differs from the previously approved use in that a predominantly younger clientele would be at the site. Staff notes that due to requirements related to hazardous materials, certain uses could be limited or not permitted depending on their proximity to sensitive receptors. Therefore; staff has included conditions of approval that limit the use at the site for three years, so that further review can be conducted to evaluate possible impacts to the surrounding area (Condition of Approval #1F). The applicant may reapply for a Use Permit at that time.

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Adopt the Mitigated Negative Declaration and deny the Use Permit and Tentative Map).
2. Adopt the Negative Declaration and approve the Use Permit with attached conditions.
3. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1

Prepared by:

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Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Letter from the Applicant

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.1 *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

N1.1.1 *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

N1.1.4 *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

Policy N1.6 *Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.*

Policy N1.14 *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale and meets most development standards, including parking requirements. The use will occupy a relatively small tenant space formerly used for educational purposes. The change of use provides an additional recreational use to a mostly industrial neighborhood.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. The use should have little impact to the parking demand for the site. The proposed use is also located on the periphery of an industrial zoning district, near residential uses, and should not negatively impact the viability of surrounding uses. Although located in an industrial zoned site and near other industrial uses, conditions of approval limit the approval to evaluate any possible negative impacts to surrounding uses. As conditioned, impacts to the site and surrounding neighborhood should be minimal

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- B. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- C. Any expansion or modification of the martial arts club use, including hours of operation, shall be approved by separate application at a public hearing by the Planning Commission.
- D. The maximum on-site student count shall not exceed 18 students per class. The business may conduct seminars on four occasions annually with a maximum attendance of 60 people per event.
- E. The hours of operation shall be permitted between 9:00 a.m. to 8:00 p.m. daily.
- F. This Use Permit shall be restricted to three years from the date of occupancy, or four years from the date of Planning approval, whichever is less. To continue the use on the site, the applicant must then apply to the Planning Commission for another Use Permit which will include an analysis of impacts of the currently proposed use on the existing and neighboring sites. The applicant is advised to apply for the new Use Permit at least 3 months prior to the expiration date of this Use Permit to allow for continuity of the use.
- G. Prior to commencement of use, approval of plans by the Fire Prevention division of the City of Sunnyvale is required related to the proposed occupancy type, fire safety and protection controls, and emergency exiting and lighting requirements.

2. FEES

- A. Transportation Impact Fee shall be calculated and required at the time of renewal of the Use Permit in three years.

3. PARKING

- A. The site shall provide five handicap parking spaces.

4. BICYCLE PARKING

- A. Provide 1 Class I & 6 Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

5. RECYCLING AND SOLID WASTE

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

6. SIGNS

- A. All existing/new signs shall be in conformance with the existing Master Sign Program established for the site.